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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,600	10/12/2000	Jason E. Tripard	MI22-1550	2568
21567	7590	11/30/2004	EXAMINER	
WELLS ST. JOHN P.S. 601 W. FIRST AVENUE, SUITE 1300 SPOKANE, WA 99201			CHOI, STEPHEN	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/687,600	Applicant(s) TRIPARD, JASON E.	
	Examiner Stephen Choi	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-34, 92, 93, 100-106 and 109-120 is/are pending in the application.
- 4a) Of the above claim(s) 23-30, 113, 114 and 116-120 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22, 31-34, 92-93, 100-106, 109-112, 115 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 29 October 2004 has been entered.

Election/Restrictions

2. Newly submitted claims 118-120 are directed to an invention that is independent or distinct from the invention elected. Since applicant has already received an action on the merits for the elected invention, claims 118-120 are withdrawn from consideration as being directed to a non-elected invention.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 115 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 115, it is not clear what structure is set forth by "the plurality of the ribs comprises only two ribs over the panel. Figure 3 of the instant application appears to show more than two ribs over the panel.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

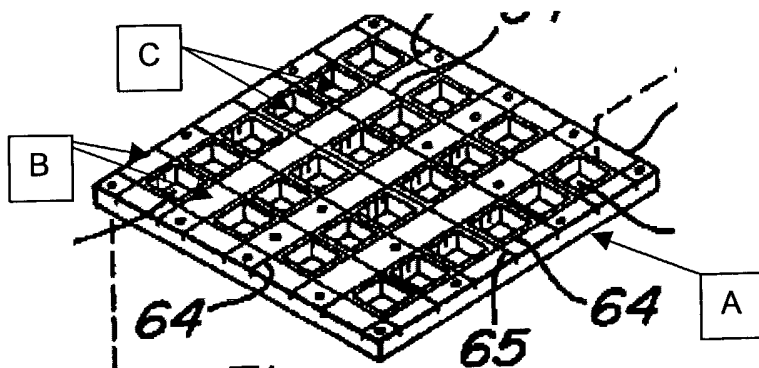
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 110 and 112 are rejected under 35 U.S.C. 102(b) as being anticipated by Neu (US 5,839,337).

Neu discloses all the recited elements of the invention including:

- a) a panel having an uppermost surface and molded as part of the separator (A, Figure below);
- b) a plurality of blocks (B, Figure below) as one piece with the panel and extending upward from the uppermost surface of the panel creating a recessed portion (C, Figure below) on the panel wherein the entirety of the recessed portion is directly over the uppermost surface of the panel;
- c) a cutting mechanism.

Regarding claim 112, an actuator (78)



Claim Rejections - 35 USC § 103

Art Unit: 3724

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 22, 92-93, 101-106, 109, and 115 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Neu (US 5,839,337) in view of Patadia et al. (US 6,146,504).

Neu discloses the invention substantially as claimed except for curved upper surfaces. Patadia teaches arcuate upper surfaces (154) to reduce scratching on the workpiece. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify upper surfaces of Neu with curved upper surfaces as taught by Patadia in order to minimize scratching on circuit board surfaces. Regarding claims 92-93, a pneumatically-powered actuator (78 in Neu). Regarding claim 101, it would have been obvious to one having ordinary skill in the art at the time the invention was use aluminum to form the panel, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. Regarding claims 103-104, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form blocks as discrete pieces from the panel and are fastened to the panel, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. Regarding claims 105-106, it would have been obvious to one having ordinary skill in

Art Unit: 3724

the art at the time the invention was made to select an optimum height of blocks, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. It is noted that the common knowledge or well-known in the art statement is taken to be admitted prior art since applicant failed to traverse the examiner's assertion of official notice from the previous office action.

9. Claims 31-34 and 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neu (US 5,839,337) in view of Patadia et al. (US 6,146,504) as applied to claim 22, and further in view of Applicant's Admitted Prior Art (hereafter AAPA).

The modified device of Neu discloses the invention substantially as claimed except for pins extending upwardly from beneath the panel to beyond an upper surface of the panel wherein the pins are configured to extend into the board and retain the board over the panel. AAPA discloses the use of pins for the purpose of insuring tight alignment of the board. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the pins as taught by AAPA on the modified device of Neu in order to properly retain the board which may have the length extending beyond the length of the panel. Although Neu does not show a board having retaining apertures, AAPA teaches the use of retaining orifices is old and well known in the art and the modified device of Neu would provide the pins extending from element 69 which is beneath the panel to beyond the upper surface of the panel and do not

extend through the panel but configured to extend into the board to retain the board.

Regarding claims 33-34, a pneumatically-powered actuator (78 in Neu).

10. Claim 111 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neu (US 5,839,337).

Neu discloses the invention substantially as claimed except for the panel comprises aluminum. However, it would have been obvious to one having ordinary skill in the art at the time the invention was use aluminum to form the panel, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. It is noted that the common knowledge or well-known in the art statement is taken to be admitted prior art since applicant failed to traverse the examiner's assertion of official notice from the previous office action.

Response to Arguments

11. Applicant's arguments filed 29 October 2004 have been fully considered but they are not persuasive.

Applicant contends that Neu does not teach the recessed portion terminating at the uppermost surface of the panel as claimed in the amended claim 22 and the entirety of the recessed portion being directly over the uppermost surface of the panel as claimed in the amended claim 110.

The examiner respectfully disagrees. The recessed portion is a portion between the blocks (labeled as element B on the figure above) which terminates at the uppermost surface of the panel (labeled as element A on the figure above) such that the

Art Unit: 3724

entirety of the recessed portion is directly over the uppermost surface of the panel. The claim does not preclude the recessed portion having an open bottom.

Regarding claim 115, see the rejection under 35 U.S.C. 112, 2nd paragraph above.


Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Choi whose telephone number is 571-272-4504. The examiner can normally be reached on Monday-Friday 9:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC
24 November 2004


STEPHEN CHOI
PRIMARY EXAMINER